

## REMARKS/ARGUMENTS

### Amendments to the Specification:

The Applicant respectfully submits amended paragraph [0016] for entry into the present application. Amendments to paragraph [0016] are supported by disclosure in the specification, including: paragraph [0010], "The enlarged mid-portion of the bait segment creates lift upwards through the water when the fishing line is pulled during rapid trolling or to set the hook in a fish"; paragraph [0014], "... bendable wires that are bent in a parallel alignment for positioning the bait head **42** adjacent to, and offset behind, the rotatable blade **22**"; and paragraph [0017], "As illustrated in Figure 5, the oval cross-section of the enlarged mid-portion **46** preferably disposes the inner arcuate side **42'** oriented towards the rotatable blade **22**" (also see Figures 1, 5 and 6).

### Claim Rejections - 35 U.S.C. §112:

1-2. The Examiner rejected Claims 2, 4 - 6 and 9 - 18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant appreciates the Examiner's guidance regarding Claims 2, 4, 9, 13 and 15. Appropriate claims amendments are submitted for the Examiner's review and entry into present application. Applicant's amendments to Claims 2, 4, 9, 13 and 15 remove any indefinite reading of the amended claims, and it is respectfully requested that the rejection of the claims based on 35 U.S.C. §112, second paragraph, be withdrawn.

Applicant amends Claim 1 to include a clapper pivotably attached on each mid-portion of opposed surfaces of the rotatable blade. Applicant amends Claim 2 to include the terminology provided by the Examiner, and similar amendments are provided for Claim 4, 9 and 13. Applicant amends Claim 15 to remove any indefinite reading of the orientation of the pairs of closely spaced holes disposed in a first half and a diametrically opposed second half of the rotatable blade of Applicant's fishing

lure. Applicant respectfully submits the amendments presented hereinabove for Claims 2, 4, 9, 13 and 15 provide for each claim to be in condition for allowance. Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §112.

Claim Rejections - 35 U.S.C. § 102(b):

3-4. The Examiner rejected Claims 1, 2 and 7 under 35 U.S.C. §102(b) as being anticipated by Bleam et al. (U.S. 4,962,610). Applicant acknowledges the rejection under 35 U.S.C. §102(b). Applicant amends Claims 1, 2 and 7 to include limitations not disclosed in Bleam et al., as discussed hereinbelow. Applicant respectfully submits amended Claims 1, 2 and 7 are not anticipated by Bleam et al. due to the lack of an express or inherent description of every element of the applicant's invention, and the lack of a showing of the elements of the applicant's invention in the arrangement required by the claims as now presented.

Section 2131 of the Manual of Patent Examining Procedure describes the basis for anticipation under 35 U.S.C. §102. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed.Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed.Cir. 1989). "The elements must be arranged as required by the claim . . . ." *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).

As set forth above, the Examiner rejected Claims 1, 2 and 7 under 35 U.S.C. §102(b) as being anticipated by Bleam et al. due to Examiner's interpretation that Bleam et al. discloses a primary wire leg (30), a bait segment (24), a hook (28), a secondary wire leg (angled from fishing line (32) attachment to swivel (34)), and a blade (12) rotatably mounted via swivel (34) on secondary wire leg.

Claim 1:

Regarding Applicant's amended Claim 1, Bleam et al. discloses one clapper (44) on an outwardly curved portion (18) of blade body (12). Bleam et al. does not disclose two clappers pivotably attached in balanced orientation on each one of opposed mid-portion surfaces of a rotatable blade, as claimed in Applicant's amended Claim 1.

Bleam et al. also discloses the need for a secondary wire leg angled apart from primary wire leg (30), in order to allow blade body (12) and one clapper (44) to swivel freely without becoming entangled with hook (28) and/or skirt (26) (see Fig. 1, Col 3, lines 1-11, and Col. 4, lines 61-65). Applicant's lure includes a primary wire leg oriented parallel to a secondary wire leg, as claimed in Applicant's amended Claim 1.

Bleam et al. teaches away from a fishing lure having a secondary wire leg which is generally parallel to a primary wire leg (30), because the blade body (12) requires a range of laterally directed swiveling motions to be provided for the blade body (12) and swivel (34), to allow blade swiveling through water without entanglement of blade body (12) or clapper (44) with jig (24), hook (28) and/or skirt (26).

Applicant's amended Claim 1 includes a pair of clappers **32, 32'** disposed on opposed mid-portion surfaces of a blade **22** rotatable about an axis of rotation **20''** aligned along a length of the secondary wire leg **20**, which is disposed parallel and adjacent to the primary wire leg **12**. The selected distance apart **18'** of the secondary wire length leg **20** from the primary wire leg **12**, allows for unhindered rotation **52** of blade **22**, and unhindered pivoting **56, 58** of clappers **32, 32'** without contact of either blade or clappers with primary wire leg **12**, bait segment **42**, or hook **16** (see Applicant's Figures 1, 5 and 6). As stated above, the parallel orientation of the spaced apart first and second wire legs, and the rotatable blade having two clappers on opposed mid-portion surfaces of the rotatable blade, are not disclosed by Bleam et al.

In view of the above, Applicant respectfully submits that amended Claim 1 is not anticipated under 35 U.S.C. §102(b) by Bleam et al., due to the lack of each and every element set forth in Applicant's amended claim being found in a single prior art reference. In the alternative, Applicant's amended Claim 1 is not made obvious under 35 U.S.C. §103(a) by Bleam et al., for the reasons set forth hereinbelow. Applicant respectfully submits amended Claim 1 is in condition for allowance, and requests withdrawal of the rejection of Claim 1 under 35 U.S.C. §102(b).

Claim 2:

Regarding Applicant's amended Claim 2, Bleam et al. discloses the need for a bent wire (30), including a secondary wire leg angled apart by approximately a ninety degree angle from primary wire leg/wire (30) in order to allow blade body (12) and one clapper (44) to swivel freely without becoming entangled with jig (24), hook (28) and/or skirt (26) (see Fig. 1, and Col. 3, lines 1-11). Further, Bleam et al. discloses a triangular shaped and flattened jig (24) that does not include an oval cross-section for the flattened mid-portion of the jig (24) (see Fig. 1).

Applicant's amended Claim 2 includes a bait segment **42** disposed on the primary wire leg **12** spaced apart from the parallel oriented secondary wire leg **20**, with the bait segment **42** disposed on the primary wire leg at a position adjacent to, and distal of, the rotatable blade end segments **28**, **30**. Further, Applicant's amended Claim 2 includes the bait segment **42** having an enlarged mid-portion **46** having an asymmetric shape with one lesser curved side **42'** disposed inwardly toward the second wire leg **20** and rotatable blade **22**. In addition, Bleam et al. teaches away from a fishing lure having a secondary wire leg which is generally parallel to a primary wire leg (30), because the lure blade body (12) taught by Bleam et al., requires a range of laterally directed swiveling motions for the blade body (12) and swivel (34) when

pulled through water, to allow blade swiveling without entanglement of blade body (12) or clapper (44) with jig (24), hook (28) and/or skirt (26).

In view of the above, Applicant respectfully submits that amended Claim 2 is not anticipated under 35 U.S.C. §102(b) by Bleam et al., due to the lack of each and every element set forth in Applicant's amended claim being found in a single prior art reference. In the alternative, Applicant's amended Claim 2 is not made obvious under 35 U.S.C. §103(a) by Bleam et al., for the reasons set forth hereinbelow. In addition, Applicant's amended Claim 2 is in condition for allowance as being dependent from an allowable base claim, amended Claim 1. Applicant respectfully requests withdrawal of the rejection of Claim 2 under 35 U.S.C. §102(b).

Claim 7:

Regarding Applicant's amended Claim 7, Bleam et al. does not disclose a bait segment having an asymmetric arcuately shaped body. Further, Bleam et al. discloses the need for the secondary wire leg which is angled apart from primary wire leg (30) in order to allow blade body (12) and one clapper (44) to swivel freely without becoming entangled with hook (28) and/or skirt (26) (see Fig. 1 and Col 3, lines 1-11). In addition, Bleam et al. does not disclose that the pivot or swivel axis of blade body (12) is aligned with the secondary wire leg (angled from fishing line (32) loop attachment to the swivel (34)). Bleam et al. discloses that swivel (34), short wire (36), and loop connection (30) (see Figs. 1 and 2), allow the blade body (12) to spin during movement through the water (see Col. 4, lines 61-65), but swivel (34) and loop connection (30) does not maintain the blade body (12) axis of rotation aligned with the secondary wire leg as claimed in Applicant's amended Claim 7.

In view of the above, Applicant respectfully submits that amended Claim 7 is not anticipated under 35 U.S.C. §102(b) by Bleam et al., due to the lack of each and every element set forth in Applicant's amended claim being found in a single prior art

reference. In the alternative, Applicant's amended Claim 7 is not made obvious under 35 U.S.C. §103(a) by Bleam et al., for the reasons set forth hereinbelow. Applicant respectfully submits amended Claim 7 is in condition for allowance, and requests withdrawal of the rejection of Claim 7 under 35 U.S.C. §102(b).

Claim Rejections - 35 U.S.C. § 103(a):

5-6. The Examiner rejected Claim 2 under 35 U.S.C. §103(a) as being unpatentable over Bleam et al. (U.S. 4,962,610). The Examiner stated that Bleam et al. does not disclose a plurality of clappers, and stated that it would have been obvious to one having ordinary skill in the art to use a plurality of clappers to provide more noise than a single clapper.

It is respectfully submitted that Bleam et al. does not render obvious Applicant's amended Claim 2, due to Bleam et al. teaching the need for the secondary wire leg to be angled apart from primary wire leg (30) in order to allow blade body (12) and one clapper (44) to swivel freely without becoming entangled with hook (28) and/or skirt (26) (see Fig. 1, and Col 3, lines 1-11). Further, Bleam et al. only teaches a use for a clapper (44) connected on an outwardly curved blade portion (18) (see Figs. 1 and 2). Even if the one clapper (44) of Bleam et al was duplicated with two clappers, both clappers would be attached on the outwardly curved blade portion (18), which is the only configuration for positioning the clapper (44) taught by Bleam et al. In addition, Bleam et al. teaches a triangular shaped and flattened jig (24) on primary wire leg (30), which is angled apart from secondary wire leg to minimize contact of swiveling blade body (12) and clapper (44) against hook (28) skirt (26) and jig (24). In addition, Bleam et al. teaches away from a fishing lure having a secondary wire leg which is generally parallel to a primary wire leg (30), because the lure blade body (12) taught by Bleam et al., requires a range of laterally directed swiveling motion be provided for the blade body (12) and swivel (34) to operate when pulled through water,

to allow blade swiveling without entanglement of blade body (12) or clapper (44) with jig (24), hook (28) and/or skirt (26).

Applicant's fishing lure includes two clappers pivotably attached on opposed mid-portion surfaces of a rotatable blade, as claimed in amended Claim 1, from which Claim 2 is dependent. In addition, Applicant's amended Claim 2 includes the bait segment **42** disposed on the primary wire leg such that the bait segment **42** is adjacent and distal of the rotatable blade first and second end segments respectively. In addition, Applicant's claimed configuration of the enlarged mid-portion **46** includes an asymmetric shape with one lesser curved side **42'** disposed inwardly toward the second wire leg **20** and rotatable blade **22**.

Applicant respectfully submits amended Claim 2 includes an orientation of primary and secondary wire legs placing the bait segment adjacent and distal of the blade end segments, with the rotatable blade having pivoting clappers on opposed mid-portion surfaces, and the bait segment having an asymmetric shape that is not disclosed, taught or suggested by Bleam et al. In view of the above, Applicant respectfully submits that amended Claim 2 is not made obvious under 35 U.S.C. §103(a) by Bleam et al., for the reasons set forth herein. Applicant respectfully submits amended Claim 2 is in condition for allowance, and requests withdrawal of the rejection under 35 U.S.C. §103(a).

7. The Examiner rejected Claims 1, 2 and 7 under 35 U.S.C. §103(a) as being unpatentable over Hilliard (U.S. 5,146,706), in view of Bleam et al. (U.S. 4,962,610). It is respectfully submitted that Hilliard, either separately or in combination with Bleam et al., does not render obvious amended Claims 1, 2 and 7. Hilliard does not teach a rotatable blade having first and second end segments angled in opposed directions from opposed blade surfaces. Bleam et al. teaches one blade body (12) having a trailing end having a kicker (46), which "includes a generally flat flap (48) and a double

thickness lip (50)" (see Col. 3, lines 12-15). Flap (48) extends generally parallel with and spaced from the concave surface (14) of blade body (12) (see Col. 3, lines 15-17). Lip (50) extends at an angle of 45 degrees from blade body (12). Flap (48) is not angled away from blade body (12), therefore only one angled lip (50) is taught on the blade body (12) of Bleam et al. (see Col. 3, lines 12-22, and Figures 1 and 2).

Applicant respectfully submits that Hilliard does not teach or suggest a need for a blade rotatably mounted on a second wire leg parallel with a first wire leg, with the rotatable blade having first and second opposed angled end segments being spaced apart to rotate about a axis of rotation of a blade, as claimed by Applicant in Claims 1, 2 and 7. Applicant respectfully submits that Bleam et al. teaches one angled lip (50) extended from blade body (12), and further teaches that the one angled lip (50) acts in a manner of a stabilizer to maintain the blade (12) at the proper orientation as it spins relative to swivel (34) in the water (see Col. 4, lines 61-67). Bleam et al. teaches away from the need for two angled end segments curved in opposed directions from opposed blade surfaces to facilitate balanced blade rotation about an axis of rotation, because Bleam et al. teaches the blade body (12) swivels and laterally moves freely as provided by loop connections (30), swivel (34), and loop proximal of (38).

Further support of Hilliard and/or Bleam et al. teaching away from Applicant's invention of amended Claims 1, 2 and 7, is provided by each respective patent teaching a spinner plate (18) or a blade body (12) that swivels in a plurality of lateral directions toward and away from first wire leg (see Figs. 1 and 6 of Hilliard, and Fig. 1 of Bleam et al.). Hilliard teaches an angled configuration (acute angle 13) of the first and second wire leg, as is also taught by Bleam et al. In regards to Applicant's amended Claims 1, 2 and 7, the bait segment **42** is disposed on a primary wire leg parallel with secondary wire leg, such that the bait segment **42** is adjacent and distal of the rotatable blade first and second end segments respectively. Both Hilliard and



Bleam et al. teach a configuration of blade (12) or spinner plate (18) that is oriented adjacently even with jig (24) or support head (19), thereby requiring sufficient separation by an angled configuration between first and second wire legs to negate contact between the swiveling members and the bait body and hook. In addition, neither Hilliard (19) nor Bleam et al. (24) teach a bait head that is asymmetric and arcuately shaped, as claimed in Applicant's amended Claims 2 and 7.

Applicant respectfully submits amended Claims 1, 2 and 7 include an orientation of primary and secondary wire legs, a rotatable blade having a pair of pivoting clappers or a sound generator on at least one mid-portion surface of a rotatable blade, and having a bait segment configuration that is not disclosed, taught or suggested by Hilliard, either separately or in combination with Bleam et al. In view of the above reasons, Applicant's respectfully submit amended Claims 1, 2 and 7 are not made obvious under 35 U.S.C. §103(a) by Hilliard in view of Bleam et al.

Applicant respectfully submits that amended Claims 1, 2 and 7 are in condition for allowance, and requests withdrawal of the rejections under 35 U.S.C. §103(a).

8. The Examiner rejected Claims 1, 2 and 7 under 35 U.S.C. §103(a) as being unpatentable over Baker, Jr. (U.S. 4,891,901). The Examiner stated that Baker, Jr. discloses a primary wire leg (706), having a forward segment (704) and a bait segment (708) with a hook, with a blade (100) mounted to rotate on the secondary wire by means of swivel (112). Examiner stated that the blade (100) has first and second end segments angled in opposed directions, but does not disclose a clapper pivotably mounted on either opposed surface of the blade. Examiner also stated that Baker, Jr. discloses a clapper (901-903, see Col. 11, lines 41-45), but Applicant's review of Figs. 57 and 58 provides that blade (100v) is a split tail configuration (901, 903), and does not teach clappers (see Figs. 57, 58, and see Col. 11, lines 36-37).

Applicant respectfully submits that Baker, Jr. does not teach or suggest a blade rotatably mounted on a second wire leg disposed parallel with a first wire leg. Baker, Jr. does not provide any teaching, suggestion, or motivation that one or more clappers would be utilized in combination with a twisted blade (see Figs. 1-55), or a twisted blade (100v) having a second segment (902) (see Fig. 57). Examiner has not explained how a clapper would be successfully attached on a twisted blade that is spirally rotated adjacent to lead body (708) (see Figs. 19, 23 and 57), in order to maintain the clapper freely pivoting while extended from twisted blade (100h or 100v), without the clapper entangling with hook (710) or rubber streamers (712) during trolling.

In order to support a rejection under 35 U.S.C. § 103(a), “the examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.” MPEP § 2142, pg. 2100-121, 8th ed. “To reach a proper determination under 35 U.S.C. § 103(a), the examiner must step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before it was made.” *Id.* The first element in establishing a *prima facie* case of obviousness is that “there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings.” MPEP § 2143, pg. 2100-122, 8th ed. The second element is that there “must be a reasonable expectation of success.” *Id.* The third element is that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” *Id.*

Applicant respectfully submits that Baker, Jr. teaches the need for wire legs (702, 706) to be angled apart to maintain lead body (708) an adequate distance apart and ahead of blade (100h) (see Fig. 19), otherwise the swiveling and lateral movements allowed by swivel (112) and ring (114) would allow blade (100h) and split tails (182, 184), or a pivoting clapper if added, to be entangled in hook (710) and rubber

streamers (712) and restrain blade swiveling. In addition, Baker, Jr. teaches that if wire legs (702, 706) are not angled apart (see Fig. 23), then the lead body (708) must be positioned adjacent to the leading portion of blade (100h), otherwise swiveling and lateral movements allowed by swivel (112) and ring (114) will allow blade (100h) and split tails (182, 184), or a pivoting clapper if added, to entangle in hook (710) and rubber streamers (712) and restrain blade swiveling.

Applicant respectfully submits that amended Claims 1, 2 and 7 include an orientation of primary and secondary wire legs, a rotatable blade having a pair of pivoting clappers or a sound generator on at least one blade side, and having a bait segment configuration that are not disclosed, taught or suggested by Baker, Jr. In view of the above reasons, Applicant's respectfully submit that amended Claims 1, 2 and 7 are not made obvious under 35 U.S.C. §103(a) by Baker, Jr. Applicant respectfully submits amended Claims 1, 2 and 7 are in condition for allowance, and requests withdrawal of the rejections under 35 U.S.C. §103(a).

9. The Examiner rejected Claims 1 - 14 under 35 U.S.C. §103(a) as being unpatentable over Long et al. (U.S. 4,793,089), in view of Pflueger (U.S. 1,682,710). The Examiner stated that Long et al. discloses primary wire leg (3), with bait segment (6), hook (5), secondary wire leg (4B) having a blade with end segments (15, 16) angled in same direction (see Figs. 3-6). Examiner stated that Long et al. does not disclose a blade with first and second end segments angled in opposed directions, nor does Long et al disclose a clapper pivotably attached on at least one of the opposed surfaces of the blade. Examiner stated that Pflueger discloses having angled end segments and discloses a clapper (24) pivotably attached on one of the blades.

Long et al. teaches the configuration of blade ends (15, 16) are angled in the same direction relative to each blade surface, and further teaches the need for bait segment (6) to be disposed behind and a spaced distance from blade ends (15, 16),

otherwise the rotatable blade ends will engage the head element (6) and/or become entangled with skirt strips (8) (see Figs. 1 and 2) during a pause in trolling in water. In regards to Applicant's Claims 1 - 14, Long et al. does not teach the use of opposed clappers pivotably attached in balanced orientation on opposed blade surfaces of spaced apart and rotatable blades. Regarding Applicant's Claims 2 - 14, Long et al. does not teach a head element (6) which is asymmetric in cross-section.

Pflueger teaches a bait body positioned on a shank (12), aligned with and disposed behind a pair of first spinner blade arms (15, 15) rotatable about the shank (12) (see page 1, lines 45-53). Pflueger also teaches a pair of second spinner blades (24, 24), which are attached at adjacent ends of each blade arm by connectors (19, 20, 21, 22, 23) through end apertures (18) of adjacent spinner blade (15) (see page 1, lines 61-73). Second spinner blades (24) are attached in hinged and swiveling manner to extend apart from and beyond each respective first spinner blade arm (15), "whereby it (24) will spin upon its own axis while revolving in the orbit of the main spinner" (see page 1, lines 70-73, Figs. 1, 2 and 4). Pflueger's teaches the second blade (24) extends from ends of each first blade (15), with end swiveling connections maintaining an outwardly extension of second blade (24) from each first spinner blade (15) due to centrifugal forces imposed by rotation of first spinner blades (15). Pflueger's configuration negates each second spinner blade (24) from serving as a clapping device against blades (15) during trolling, due to water flow past the first spinner blades (15) forcing second spinner blades (24) to extend distally and negating contact against each first spinner blade surface (15) during trolling. In addition, Pflueger's configuration allows each second spinner blade (24) to extend distally from each first spinner blade (15) during rotation, thereby allowing each second blade (24) to impact and entangle with weight (25), bait retaining device (26) or spring shank (28), which is not allowed

by the balanced clapper configuration on opposed surfaces of spaced apart and rotatable blades of Applicant's fishing lure.

Applicant's Claims 1 - 14, as amended, provide a fishing lure having one or more clappers pivotably attached to contact against one or more opposed blade surfaces of a rotatable blade during rotation of the blade on a second wire leg positioned parallel to and apart from a first wire leg. Further, Applicant's lure includes a bait segment positioned on the first wire leg, with the bait segment disposed adjacent of and distal of the blade end segments, therefore negating entanglement of the clappers with the bait segment or fishing hook during the clapper pivoting against the rotatable blade surfaces during trolling.

Applicant respectfully submits that independent Claims 1, 3, 7 and 13, as amended, are not disclosed, taught or suggested by Long et al., either separately or in combination with Pflueger. Applicant's Claims 2, 4 - 6, 8 - 12, and 14 are dependent from respective independent claims that are in condition for allowance. In view of the above, Applicant respectfully submits amended Claims 1 - 14 are not made obvious under 35 U.S.C. §103(a) by Long et al., in view of Pflueger for the reasons set forth herein. Applicant respectfully submits that amended Claims 1 - 14 are in condition for allowance, and requests withdrawal of the rejections under 35 U.S.C. §103(a).

10. The Examiner rejected Claims 1, 3, 7 - 9 under 35 U.S.C. §103(a) as being unpatentable over Laney (U.S. 5,987,805), in view of Pflueger (U.S. 1,682,710). Examiner stated that Laney discloses primary wire leg (62), with bait segment (12), hook, secondary wire leg (66) having a blade (68) with end segments (72) angled in same direction (see Fig. 12). Examiner stated that Laney discloses a blade with first and second end segments angled in opposed directions, but does not disclose a

clapper pivotably attached on at least one of the opposed surfaces of the blade.

Examiner stated that Pflueger discloses having angled end segments and discloses a clapper (24) pivotably attached on one of the blades.

Laney discloses a lure having four blades rotatable relative to a second leg (66), with each blade having tabs or ends (72) transversely bent in the same direction relative to each offset blade (70) (see Col. 8, lines 61-67, and Figs. 11 and 12). Laney does not teach the use of one or more clappers pivotably attached on one or more blade surfaces of the rotatable blades.

In regards to the teaching of Pflueger, Applicant has discussed hereinabove the lack of teaching of Applicant's lure configuration, and the lack of teaching of a pivotable clapper by Pflueger. If the elements of Pflueger were combined with Laney in the configuration taught by Pflueger, then each curved blade end of Laney would have an end attachment from which a second spinner blade would extend outwardly, although not utilized as clappers pivotably contacting against opposed blade surfaces as provided by Applicant's fishing lure. Applicant's Claims 1, 3 and 7 - 9, as amended, provide a fishing lure having one or more clappers pivotably attached to contact against one or more opposed blade surfaces of a rotatable blade during rotation of the blade on a second wire leg positioned parallel to and apart from a first wire leg. Further, Applicant's lure includes a bait segment positioned on the first wire leg, with the bait segment disposed adjacent of and distal of the blade end segments, therefore negating entanglement of the clappers with the bait segment or fishing hook during the clapper pivoting against the rotatable blade surfaces during trolling.

Applicant respectfully submits that Claims 1, 3, 7 - 9, as amended, are not disclosed, taught or suggested by Laney, either separately or in combination with Pflueger. In view of the above, Applicant respectfully submits that amended Claims 1, 3 and 7 - 9 are not made obvious under 35 U.S.C. §103(a) by Laney, in view of

Pflueger for the reasons set forth herein. Applicant respectfully submits that amended Claims 1, 3 and 7 - 9 are in condition for allowance, and requests withdrawal of the rejections under 35 U.S.C. §103(a).

11. The Examiner rejected Claims 2, 4 - 6, and 10 - 18 under 35 U.S.C. §103(a) as being unpatentable over Laney (U.S. 5,987,805), in view of Pflueger (U.S. 1,682,710), as applied to Claim 1 above, and further in view of Dubois (U.S. 6,018,901), or Reed (U.S. 5,499,470). The Examiner stated that Laney and Pflueger do not disclose a bait section with an oval cross section. The Examiner stated that Dubois and Reed disclose bait segments with oval cross sections (14 and 21).

In regards to the teaching of Laney, either separately or in combination with Pflueger, Applicant has discussed hereinabove the lack of teaching of Applicant's lure configuration, the lack of teaching of a pivotable clapper, and the deficiencies in operation of the elements taught by both Laney and Pflueger, if combined in the configurations taught by Laney and Pflueger.

Regarding the teaching of Dubois, the lure body (14) appears spherical, or elongated, but a cross-section is not provided by Figures 1-5. In addition, the lure body (14) taught by Dubois does not have an oval cross-section with an asymmetric shape and having one lesser curved side disposed inwardly toward the secondary wire leg on which a blade is rotatably mounted.

Regarding the teaching of Reed, the head (21) appears elongated, but a cross-section is not provided by Figure 1. In addition, the head (21) taught by Reed does not have an oval cross-section with an asymmetric shape and having one lesser curved side disposed inwardly toward the secondary wire leg on which a blade is rotatably mounted. Applicant respectfully submits that combination of Dubois and Reed does not disclose, teach or suggest a bait segment have an oval cross-section with an asymmetric shape, as claimed by Applicant in amended Claims 2, 4 - 6 and 10 - 18.

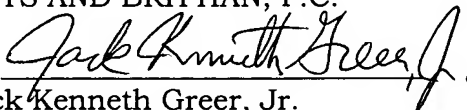
Applicant respectfully submits that amended Claims 2, 4 - 6 and 10 - 18 include an orientation of primary and secondary wire legs, a rotatable blade having a pair of pivoting clappers or a sound generator on at least one blade side, and a bait segment cross-sectional configuration that are not disclosed, taught or suggested by Laney, in view of Pflueger, Dubois and/or Reed. Applicant respectfully submits that amended Claims 2, 4 - 6 and 10 - 18 are in condition for allowance, and requests withdrawal of the rejections under 35 U.S.C. §103(a).

Summary:

In view of the amendments provided herein by Applicants regarding the specification and Claims 1 - 18, it is deemed that the above-identified application is now in a condition for issuance of a Notice of Allowance. Applicants respectfully request reconsideration of the application and allowance of the claims as presented.

If, for any reason, the Examiner is of the opinion that further discussion of the present application as now presented is in order, it will be appreciated if the Examiner will telephone the undersigned to expedite prosecution of the present application. Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 16-1910.

Respectfully submitted,  
PITTS AND BRITTIAN, P.C.

By   
Jack Kenneth Greer, Jr.  
Reg. No. 42,605

PITTS AND BRITTIAN, P.C.  
P.O. Box 51295  
Knoxville, Tennessee 37950-1295  
(865) 584-0105 Voice  
(865) 584-0104 Fax